

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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MARATHON PETROLEUM  
CORPORATION; SPEEDWAY LLC;  
MARATHON PREPAID CARD LLC; and  
SPEEDWAY PREPAID CARD LLC,

Plaintiffs,

v.

THOMAS COOK, in his capacity as the  
Secretary of Finance for the State of  
Delaware; DAVID GREGOR, in his capacity  
as the Delaware State Escheator; and  
MICHELLE M. WHITAKER, in her capacity  
as the Delaware Abandoned Property Audit  
Manager,

Defendants.

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C.A. No. 1:16-cv-00080-LPS

**[PROPOSED] ORDER**

Consistent with the opinion and mandate of the Third Circuit in *Marathon Petroleum Corporation, et al. v. Secretary of Finance, et al.*, \_\_\_ F.3d \_\_\_, No. 16-4011, 2017 WL 5986000 (3d. Cir. Dec. 4, 2017),

**IT IS HEREBY ORDERED** that:

1. The Memorandum Opinion (D.I. 39), the Order (D.I. 40), and the Final Order (D.I. 42) are vacated solely with respect to those portions relating to Plaintiffs' federal preemption claim.

2. Plaintiffs' federal preemption claim is dismissed without prejudice to it being revived at a later date, if appropriate.

Dated: January 3, 2018

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STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

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*Counsel for Defendant Thomas Cook, in his capacity as the Secretary of Finance for the State of Delaware, David Gregor, in his capacity as the Delaware State Escheator, and Michelle M. Whitaker, in her capacity as the Delaware Abandoned Property Audit Manager*

IT IS SO ORDERED this \_\_\_\_ day of January, 2018.

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Honorable Leonard P. Stark  
U.S. District Court Judge